

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

48th RESTAURANT ASSOCIATES, LLC,

Plaintiff,

v.

AVRA HOSPITALITY, LLC,
ANDREW CHAFOULIAS, and
MIKI RADOVANOVIC

Defendants.

Civil Action No. 1:19-cv-07708-VSB

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

PLEASE TAKE NOTICE that upon the upon the accompanying Defendants Avra Hospitality, LLC, Andrew Chafoulis and Miki Radovanovic's Memorandum of Law in Support of their Motion to Dismiss, and all the papers and proceedings previously had herein, Defendants Avra Hospitality, LLC, Andrew Chafoulis and Miki Radovanovic (collectively, "Defendants"), by their attorneys, Stokes Wagner, ALC, will move this Court before the Honorable Vernon S. Broderick, at the Thurgood Marshall United States Courthouse, Southern District of New York, 40 Foley Square, Courtroom 518, New York, New York 10007, on a date and time to be designated by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(2), to dismiss Plaintiff's Complaint against the Defendants in the entirety for lack of personal jurisdiction and Fed. R. Civ. P. 12(b)(3) for improper venue, along with such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Plaintiff shall serve and file any opposing affidavits and opposing memoranda within fourteen (14) days of service of the Defendants' Motion to Dismiss Plaintiff's Complaint, and the Defendants shall serve

and file reply affidavits and memoranda of law within seven (7) days after service of the answering papers.

Dated: Ithaca, New York
September 12, 2019

STOKES WAGNER, ALC

By: /s/ Hayden Pace
Hayden R. Pace
New York Bar No. HP4031
hpace@stokeswagner.com
903 Hanshaw Road
Ithaca, New York 14850
(607) 257-5165 – Telephone

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing “Notice of Motion to Dismiss Plaintiff’s Complaint” with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following counsel of record:

Joshua Avram Weigensberg, Esq.
Ryan Klarberg, Esq.
William J. Thomashower, Esq.
PRYOR CASHMAN LLP
7 Times Square
New York, New York 10036

This 12th day of September, 2019.

STOKES WAGNER, ALC

By: /s/ Hayden Pace
Hayden R. Pace
New York Bar No. HP4031
hpace@stokeswagner.com
903 Hanshaw Road
Ithaca, New York 14850
(607) 257-5165 – Telephone

Attorneys for Defendants